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| 09/487,417 | 01/20/2000 | Magda Mourad | SE9-99-020 | 3136 |

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EXAMINER

HUSEMAN, MARIANNE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,417

Applicant(s)

MOURAD ET AL.

Examiner

M. Huseman

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Status of the Claims

1. Applicants' have amended claims 1, 5, 7, 12, 19, 21 and 24. All originally presented claims 1 – 24 remain in this application.

Response to Arguments

2. Applicant's arguments filed 8/29/02 have been fully considered but they are not persuasive. It is not understood as to what is meant by the added limitation to claims 1, 7, 19 and 21. Please see the rejection under 35 USC § 112, paragraph 2, below. In view of this rejection, the art rejection of the first office action stands and is repeated below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 7, 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants' have amended the above claims to add the limitation that the encrypting key is "...self-contained with all the information necessary to decrypt the data...", however, it is not clear as to what is meant by that limitation; i.e., how is the encrypting key self contained?, what is meant by "self contained"? Also, how can the encrypting key be self-contained with all the information necessary to decrypt the data encrypted with the first encrypting key when the encrypted first decrypting key, presumably used to decrypt the data encrypted with the first encrypting key, is transferred with a second encrypting key via a computer readable medium and (hence appearing to be sent separately and/or at a different time)? See the specification, page 45, lines 10 –16, wherein it appears that the end user first receives the License (containing the encrypted 1st decrypting key) from the clearinghouse, decrypts the encrypted 1st decrypting key, then uses that 1st decrypting key to decrypt the content; the content, encrypted using the 1st encrypting key is received from the content hosting site, and is transmitted separately from the 1st decrypting key.

In claims 1, 7, 19 and 21, there is no proper antecedent basis for "the information necessary".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 3, 5, 7 – 16 and 21 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '911 in view of Dillon '467.

Regarding 1, 7, 13, 15, 16 and 21 - 23:

Dillon '911 discloses an electronic document distribution system such that Applicants' step of encrypting the data reads on the document of Dillon '911 and column 6, lines 57-58, Applicants' first decrypting key reads on the key seed and Applicants' second encrypting key reads on the Dillon '911 teaching of encrypting the announcement message, column 6, lines 44-48 and lines 57 - 58, Applicants' promotional metadata reads on the catalog.

Although Dillon '911 does not specifically disclose the details of broadcasting using multiple channels, Dillon '467 teaches a system and method for multicasting multimedia content such that Applicants' step of broadcasting at least part of the encrypted data over a second channel reads on the promotional material received from the back end or multicast network (column 16, lines 53 – 67) and Applicants' step of transferring the decrypting key reads on column 15, lines 59 – 62. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the detailed broadcasting method taught by Dillon '467 with the document distribution system taught by Dillon '911 as the purpose, distribution of electronic material, of both systems is the same.

Regarding claim 2:

Both Dillon '911 and Dillon '467 teach scheduling the promotional data.

Regarding claim 3:

Both Dillon '911 and '467 teach the use of a web browser within their respective receivers.

Regarding claims 5, 12 and 24:

Dillon '467 teaches utilizing DirecPc™ broadcasting format.

Regarding claims 9 - 11:

See Dillon '467, column 18, lines 51 – 60.

Regarding claim 14:

See Dillon '467, column 18, lines 15 – 30.

7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '911 in view of Dillon '467 as applied to claim 1 above, and further in view of CableVision (periodical).

While neither Dillon references specifically teach broadcasting promotional data including a schedule of the broadcast time, CableVision teaches that DirecTv™ and DirecPc™ (DirecPc™ is disclosed in Dillon '467) were combined (DirecDuo™). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the features of DirecTv™, which inherently includes broadcasting promotional data including a schedule of broadcast times, in combination with the teachings of both Dillons, '911 and '467, as they are all relevant to electronic document distribution.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '467 in view of Dillon '911 as applied to claim 7 above, and further in view of Horstmann.

Although neither Dillon references disclose the use of a clearinghouse, Horstmann teaches an electronic software distribution system such that Horstmann teaches that a clearinghouse in addition to a publisher (Broadcast center) may be used, or that it could be a publisher (Broadcast center) that also acts as a clearinghouse - as is taught by the Dillon references. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such an

arrangement as disclosed by Horstmann rather than have the broadcast center of the Dillon references perform the billing functions.

9. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '911 in view of Dillon '467, and further in view of Horstmann.

Although neither Dillon references disclose the use of a clearinghouse, Horstmann teaches an electronic software distribution system such that Horstmann teaches that a clearinghouse in addition to a publisher (Broadcast center) may be used, or that it could be a publisher (Broadcast center) that also acts as a clearinghouse - as is taught by the Dillon references. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize such an arrangement as disclosed by Horstmann rather than have the broadcast center of the Dillon references perform the billing functions.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon '911, Dillon '467, in view of Horstmann as applied to claim 19 above, and further in view of CableVision (periodical).

While neither Dillon references nor Horstmann specifically teach broadcasting promotional data including a schedule of the broadcast time, CableVision teaches that DirecTv™ and DirecPc™ (DirecPc™ is disclosed in Dillon '467) were combined (DirecDuo™). Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the features of DirecTv™, which inherently includes broadcasting promotional data including a schedule of broadcast times, in combination with the teachings of both Dillions, '911 and '467 and Horstmann, as they are all relevant to electronic document distribution.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

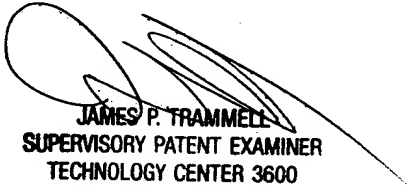
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

M. Huseman
Examiner
Art Unit 3621

mh
October 23, 2002